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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT TACOMA

8 JERMAINE GORE,

CASE NO. C18-5075 BHS

9 Plaintiff,

ORDER ADOPTING REPORT
AND RECOMMENDATION

v.

10 TACOMA POLICE DEPARTMENT, et
11 al.,

12 Defendants.

13 This matter comes before the Court on the Report and Recommendation (“R&R”)
14 of the Honorable Theresa L. Fricke, United States Magistrate Judge, Dkt. 76, and
15 Plaintiff Jermaine Gore’s (“Gore”) objections to the R&R, Dkt. 77.

16 On October 14, 2020, Judge Fricke issued the R&R recommending that the Court
17 grant Defendants’ motion for summary judgment because Gore’s claims are barred by
18 *Heck v. Humphrey*, 512 U.S. 477 (1994), and that Gore’s *in forma pauperis* status be
19 revoked for purposes of appeal. Dkt. 76. On October 29, 2020, Gore filed objections.
20 Dkt. 77. On November 12, 2020, Defendants responded. Dkt. 78. Gore did not reply.

21 The district judge must determine de novo any part of the magistrate judge’s
22 disposition that has been properly objected to. The district judge may accept, reject, or

1 modify the recommended disposition; receive further evidence; or return the matter to the
2 magistrate judge with instructions. Fed. R. Civ. P. 72(b)(3).

3 In this case, Gore objections are without merit. His § 1983 claims challenge the
4 legality of his arrest, search, and convictions. These claims are squarely barred by *Heck*.
5 Therefore, the Court having considered the R&R, Gore's objections, and the remaining
6 record, does hereby find and order as follows:

- 7 (1) The R&R is **ADOPTED**;
- 8 (2) Defendants' motion is **GRANTED**;
- 9 (3) Gore's *in forma pauperis* status is **REVOKED** for purposes of appeal; and
- 10 (4) The Clerk shall enter a JUDGMENT and close the case.

11 Dated this 30th day of November, 2020.

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14 BENJAMIN H. SETTLE
United States District Judge

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